

RESPONSE TO RESTRICTION
REQUIREMENT DATED JULY 13, 2007

Appln. No. 10/665,873

- 29 -

August 15, 2007

REMARKS

This is in response to the restriction requirement dated July 13, 2007. Reconsideration is respectfully requested.

Request for Extension of Time

Applicants request that the time period for response be extended one month, from August 13, 2007 to September 13, 2007. Applicants authorize payment of the one-month extension fee in the amount of \$120 pursuant to 37 CFR 1.17(a)(1) by credit card with the filing of this reply.

Election in Response to Restriction

The Examiner has imposed a restriction requirement and divided the pending claims into the following two groups:

Group I, Claims 1-31, 48-51, 56-66, 70-95 and 107-112, drawn to a dry powder inhaler and a method for treating a breathing disorder; and

Group II, Claims 32-47, 52 and 96-106, drawn to a counter/slave wheel apparatus.

(Applicants note that the Action includes Claims 47 and 52 in Group I, but this appears to be a typographical error. Method claims begin with Claim 48, and method Claim 52 depends upon Claim 32, drawn to the counter/slave wheel apparatus.)

Applicants hereby elect, with traverse, Group I, drawn to the dry powder inhaler and the method for treating a breathing disorder. Consistent with the election, applicants have withdrawn Claims 32-47, 52 and 96-106 without prejudice and will cancel these claims should the Examiner make the restriction final.

Applicants have cancelled the claim following Claim 75, which was inadvertently also numbered "75". Applicants have included a new Claim 113, dependent upon Claim 75, which

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includes the subject matter of the canceled claim. No new matter has been added. As new Claim 113 is drawn to the inhaler, applicants request that Claim 113 be included in Group I.

Applicants respectfully traverse the restriction, contending that there will not be a serious search burden if claims drawn to both groups are searched together. The MPEP, Section 803 states: "If the search and examination of all the claims of an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions". Applicants suggest that certain efficiencies will be obtained if claims drawn to both the inhaler and the counter/slave wheel apparatus in view of their relation as combination and sub-combination.

Respectfully submitted,

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